

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

IMPALA PLATINUM HOLDINGS  
LIMITED, *et al.*  
v.  
A-1 SPECIALIZED SERVICES &  
SUPPLIES, INC.

---

:  
:  
:  
:  
:  
:  
:

Civil Action No. 16-1343-MMB

**ORDER**

**AND NOW** this 16th day of September, 2016, for the reasons provided in the foregoing memorandum, upon consideration of Defendants motions to dismiss (ECF Nos. 56, 57, 59, 60, 61, collectively, the “Motion to Dismiss”) Plaintiffs’ Amended Complaint, and all responses, replies, memoranda, and submissions thereto, it is hereby **ORDERED** that:

1. Defendants’ Motion to Dismiss **Count I (Actual Fraudulent Transfer)** is **DENIED**;
  2. Defendants’ Motion to Dismiss **Count II (Constructive Fraudulent Transfer)** is **DENIED**;
  3. Defendants’ Motion to Dismiss **Count III (Breach of Fiduciary Duty)** is **DENIED**;
  4. Defendants’ Motion to Dismiss **Count IV (Conversion)** is **GRANTED**;
  5. Defendants’ Motion to Dismiss **Count V (Aiding and Abetting)** is **GRANTED**;
  6. Defendants’ Motion to Dismiss **Count VI (RICO)** is **DENIED**;
  7. Defendants’ Motion to Dismiss **Count VII (Civil Conspiracy)** is **GRANTED**;
  8. Defendants’ Motion to Dismiss **Count VIII (Deepening Insolvency)** is **DENIED**;
- and

9. Defendants' Motion to Dismiss **Count IX (Declaratory Judgment Act)** is  
**GRANTED.**

BY THE COURT

*/s/ Michael M. Baylson*

---

Hon. Michael M. Baylson  
United States District Court Judge

O:\CIVIL 16\16-1343 Impala v. A-1\Order re Motion to Dismiss Am Compl.docx